

JOURNAL OF THE HOUSE.

Wednesday, February 15, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, in Whom we place our hope for achieving personal happiness and peace and upon Whom we depend for intellectual and moral strength, we recognize Your presence in our midst. Help us to respond thoughtfully to the many legislative and public policy proposals which come before us. Inspire us to turn our daily challenges, when possible, into opportunities for building a peaceful, civil and responsive society. Teach us to respect and to listen intently to the input and experiences of others in making our legislative decisions. Grant us the patience to work with others in our diverse communities in seeking the common good.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Pandemics, preparation.

A message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2006 to provide funding to support pandemic preparation and response in the Commonwealth (House, No. 4689) was filed in the office of the Clerk on Tuesday, February 7.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Health Care Financing. Sent to the Senate for concurrence.

Appointments to Regional Greenhouse Gas Initiative Workshop.

Global warming workshop.

The Speaker announced the appointment of Representatives Dempsey of Haverhill and Smizik of Brookline to the National Conference of State Legislatures' (NCSL) Workshop on state strategies in the Northeast to address climate change and the role of recently adopted Regional Greenhouse Gas Initiative or RGGI.

Statement Concerning Representative Kennedy of Brockton.

Statement concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting

due to his continued recovery from medical treatment. Any roll calls that he may miss today will be due entirely to the reason stated.

Guests of the House.

During the session, the Speaker declared a brief recess and introduced Selah Finklestein, the current Jr. Miss Massachusetts. Miss Finklestein, who was accompanied by her father, Andy, her mother, Tirza, and her brother, Cobi, was the guest of Representative Peterson of Grafton.

Selah Finklestein.

Resolutions.

Resolutions (filed with the Clerk by Mr. Broadhurst of Methuen) commending the courage of Lauren Licciardi, were referred, under Rule 85, to the committee on Rules.

Lauren Licciardi.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Linsky of Natick, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Hargraves of Groton presented a petition (accompanied by bill, House, No. 4687) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) relative to the designation of a certain well in the town of Groton; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Groton, well designation.

Papers from the Senate.

A Bill further regulating organ and tissue donations (Senate, No. 2353, amended in section 1, in line 14, inserting after the word "shall" the words: "subject to hospital protocols consistent with applicable federal laws and regulations,") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Organ and tissue donations.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Verga of Gloucester, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

A petition (accompanied by bill, Senate, No. 2372) of Michael R. Knapik (by vote of the town) for legislation to permit the reinstatement of Roger B. Cataldo to the police department of the town of Southwick, was referred, in concurrence, to the committee on Public Service.

Southwick, Roger B. Cataldo.

Bridgewater,
land
conveyance.

A petition of Marc R. Pacheco and David L. Flynn for legislation to authorize the Department of Highways to convey and acquire certain parcels of land in the town of Bridgewater, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2378) was referred, in concurrence, to the committee on Transportation.

Pediatric
nurses.

A report of the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 105) of Richard T. Moore, Shirley Gomes, Christine E. Canavan, Edward G. Connolly and other members of the General Court for legislation relative to the pediatric private duty nursing program, and recommending that the same be referred to the committee on Labor and Workforce Development,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of Committees.

Revere,
DiSalvo
Park.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of Revere to use certain dedicated park land for school purposes (House, No. 4546) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Linsky of Natick, the bill was read a second time forthwith; and it was ordered to a third reading.

Telecommu-
nications,
study.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on House, Nos. 3, 4, 1354, 1379, 1415, 1662, 1664, 1665, 1666, 1668, 1670, 1673, 1675, 1676, 1677, 1678, 1679, 2069, 3225, 3249, 3250, 3251, 3252, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3275, 3276, 3277, 3278, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3291, 3292, 3295, 3298, 3299, 3300, 3303, 3304, 3305, 3307, 3308, 3309, 3310, 3312, 3313, 3314, 3315, 3317, 3321, 3322, 3324, 3326, 3327, 3329, 3330, 3332, 3333, 3334, 3335, 3336, 3337, 3526, 3828, 3829, 4030, 4307 and 4401, an Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of certain House documents concerning telecommunications, utilities, energy and the bottle bill (House, No. 4685). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Murphy of Lowell, for the committee on Higher Education, on House, No. 1238, a Bill establishing the North Shore Community Assistance Corporation (House, No. 4686). Read; and referred, under Rule 33, to the committee on Ways and Means.

North Shore
Community
Assistance.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, that the recommitted Bill relative to kayak safety (House, No. 4551) ought to pass with an amendment substituting therefor a Bill relative to kayak safety measures (House, No. 4688). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Kayak
safety.

Orders of the Day.

Senate bills

Authorizing the certification and appointment of Francis K. Rayne as a firefighter in the town of Billerica (Senate, No. 2094);

Second
reading
bills.

Changing the term of office of the moderator for the town of Milton (Senate, No. 2095);

Amending certain laws governing motor vehicle violations (Senate, No. 2132, amended);

Authorizing the town of Russell to borrow money for the upgrade and extension of the town's community cable television system (Senate, No. 2243);

Further regulating the Barnstable County Septic Loan Program (Senate, No. 2247, changed);

Relative to disability or death caused by certain conditions of cancer (Senate, No. 2257);

Creating a board of registrars in the town of Swampscott (Senate, No. 2270);

Changing the membership of the Hampshire County Housing Authority (Senate, No. 2283);

Authorizing certain actions by the Braintree Electric Light Department Generating Project (Senate, No. 2318);

Amending the Nantucket Island Land Bank Act to increase the first-time homebuyers exemption (Senate, No. 2330); and

Authorizing the town of Bellingham to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2347); and

House bills

To begin the process to establish a life care center at Lemuel Shattuck Hospital (House, No. 1425);

Relative to handicap parking restrictions (House, No. 2142);

Relative to throwing objects at or otherwise interfering with the safe operation of a railroad car or locomotive and the safety of its personnel and riders (House, No. 2143);

Establishing the vehicle protection product act (House, No. 3062);

Authorizing the town of Brookline to lease certain town owned land (House, No. 4113);

Establishing a sick leave bank for John Lavoie, an employee of the Massachusetts Department of Corrections (House, No. 4566, changed);

Second
reading
bills.

Establishing a sick leave bank for Ellen E. Briggs, an employee of the Trial Court (House, No. 4634); and

Establishing a sick leave bank for Marie Cantave-Kenney, an employee of the Trial Court of the Commonwealth (House, No. 4653);

Severally were read a second time; and they were ordered to a third reading.

Second
reading
bill
amended.

The House Bill relative to judges and registers of probate (House, No. 4251) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended with certain amendments in section 2 by inserting after line 18 the following: “Middlesex, 1 first assistant register”, and in line 111 by striking out the figure “7” and inserting in place thereof the figure “6”,— were adopted.

The bill (House, No. 4251, amended) then was ordered to a third reading.

House
report.

The House report of the committee on Children and Families, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to expanding family shelter eligibility (accompanied by bill, House, No. 4229) was accepted. Sent to the Senate for concurrence.

House
reports.

House reports

Of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 3149) of Ronald Mariano relative to the membership of the Watershed System Advisory Committee; and

Of the committee on State Administration and Regulatory Oversight, ought NOT to pass, on the petition (accompanied by bill, House, No. 3248) of John J. Binienda for legislation to increase the term of years in the awarding of contracts for energy management services; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3481) of George N. Peterson, Jr., relative to increasing the threshold for application of the filed sub-bid law;

Severally were accepted.

Recess.

Recess.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair) the House recessed until ten minutes before twelve o'clock noon; and at fourteen minutes after twelve o'clock, the House was called to order with Mr. Petrolati in the Chair.

Special Communications.

The Speaker being in the Chair,—

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

February 15, 2006.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twelve day of February 7, 2006 for Representative in General Court, First Bristol District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns
of votes for
Representative
in the
First Bristol
district.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

February 15, 2006.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twelve day of February 7, 2006 for Representative in General Court, Second Worcester District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns
of votes for
Representative
in the
Second
Worcester
district.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

February 15, 2006.

To the Honorable House of Representatives:

Returns
of votes for
Representative
in the
Twenty-seventh
Middlesex
district.

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twelve day of February 7, 2006 for Representative in General Court, Twenty-seventh Middlesex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Order.

On motion of Mr. Petrolati of Ludlow,—

Governor
notified.

Ordered, That a special committee be appointed to wait upon His Excellency the Governor and inform him that Representatives-elect Virginia M. Coppola of the First Bristol District, Denise Provost of the Twenty-seventh Middlesex District and Robert L. Rice of the Second Worcester District are assembled in the Chamber of the House of Representatives and are ready to take the oaths and affirmations of qualification.

Representatives Rogers of Norwood, Jones of North Reading, Dempsey of Haverhill, Sciortino of Somerville, Flanagan of Leominster, Poirier of North Attleborough, Walsh of Boston, Koutoujian of Waltham, Speranzo of Pittsfield, Garry of Dracut, Hill of Ipswich and Atsalis of Barnstable were appointed the committee.

Subsequently Mr. Rogers, for the committee, reported that they had attended to the duty assigned them, and that the Governor had stated that he would attend forthwith and administer the oaths of office.

Governor's
Council.

Soon afterward several members of the Governor's Council came in, under the escort of the Sergeant-at-Arms.

Members Qualified.

His Excellency the Governor, Mitt Romney, then came in; the oaths and affirmation required by the Constitution and laws were administered by the Governor to the members-elect then present, and were subscribed by them; after which His Excellency declared that the members were duly qualified to enter upon the discharge of their duties.

Representatives
Virginia M.
Coppola of
Foxborough,
Denise Provost
of Somerville and
Robert L. Rice of
Gardner,
qualification.

After brief remarks by each newly qualified member, the Speaker assigned Ms. Coppola to Seat No. 27, Ms. Provost to Seat No. 81 and Mr. Rice to Seat No. 102.

His Excellency the Governor and the Honorable Councillors present then departed the Chamber under escort of the Sergeant-at-Arms.

Recess.

At thirteen minutes before one o'clock P.M., on motion of Mr. Petrolati of Ludlow, (the Speaker being in the Chair) the House recessed until two o'clock P.M.; and at nine minutes after two o'clock, the House was called to order with Mr. Petrolati in the Chair.

Recess.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Erving (see House, No. 1433) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Erving,
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),
yea and nay
No. 352.

[See Yea and Nay No. 352 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill relative to direct wine shipments (see House, No. 4498, amended) (which had been returned to the House by His Excellency the Governor with his objections thereto in writing) [for veto message, see House, No. 4522] was considered.

Wine,
direct
shipments.

After debate, the question on passing the bill, notwithstanding the said objections, was determined by the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 124 members voted in the affirmative and 26 in the negative.

Bill passed
over veto,
yea and nay
No. 353.

[See Yea and Nay No. 353 in Supplement.]

[Messrs. DiMasi of Boston and Donelan of Orange answered "Present" in response to their names.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having voted in the affirmative). Sent to the Senate for its action.

Veterans
plates.

The House Bill allowing widows of veterans to retain ownership of veterans' plates (House, No. 1706, changed) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Verga, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act authorizing widows of veterans to retain ownership of veterans' plates."

Bill passed
to be
engrossed,
yea and nay
No. 354.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 354 in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Charitable
corporations,
employees.

The House Bill to protect the financial privacy of all employees of non-profit or charitable corporations (House, No. 2119) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Kaprielian of Watertown, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act relative to privacy of all employees of non-profit or charitable corporations.". Sent to the Senate for concurrence.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Curran of Springfield then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at six minutes after three o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.